
**Agriculture & Natural Resources
Committee**

HB 1354

Brief Description: Regarding damage caused by wildlife.

Sponsors: Representatives Kretz, Short and Kristiansen.

Brief Summary of Bill

- Expands the wildlife damage crop compensation program to include damage done to livestock by cougars, wolves, and bears.
- Creates the Commercial Livestock Valuation Committee to assist with the determination of the fair market value of killed or damaged livestock.

Hearing Date: 2/6/09

Staff: Jason Callahan (786-7117)

Background:

The owners of a commercial agricultural or horticultural crop may apply to the Washington Department of Fish and Wildlife (WDFW) for payment of damages caused by the browsing of wild deer or elk. Payments are limited to the value of the crop, but are generally capped at \$10,000 per claim. Claims valued over \$10,000 must be filed with the Office of Financial Management, which will forward a recommendation on the claim to the Legislature. Only a landowner that opens his or her land to public hunting is eligible for compensation caused by deer or elk damage.

It is the responsibility of the WDFW to examine and assess the damage upon notification from the claimant, although the WDFW and the claimant can agree to have the damage assessed by a third party. The owner of the damaged crops must report the loss within 10 days of discovery. Any damage payments accepted by the owner represents the exclusive remedy against the state for wildlife-caused damages.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

The wildlife damage crop compensation program is expanded to include damage done to livestock by cougars, wolves, and bears. The term "livestock" is defined as cattle, sheep, and horses. The owner of the livestock may receive the fair market value of an animal that is killed by predatory wildlife, or that is injured to such a degree that the commercial value of the animal is diminished, if the owner receives at least \$10,000 annually from the sale of livestock.

The responsibility for determining whether or not an animal was killed or injured by a bear, wolf, or cougar belongs to the WDFW. Once a cow, sheep, or horse is found to have been killed or injured by a bear, cougar, or wolf, then the fair market value must be determined. If the owner of the livestock and the WDFW agree on a fair compensation value with the help of a mutually-accepted assessor, then the WDFW will provide the owner with the amount. The question of market value can also be forwarded to the Commercial Livestock Valuation and Appeals Committee (Valuation Committee). The Valuation Committee is a group of seven livestock professionals.

The Valuation Committee members are appointed by the Fish and Wildlife Commission and must represent a mix of sheep, horse, and cattle producers. The Valuation Committee may request any necessary information and documentation relating to a claim. At least four members of the Valuation Committee must vote to affirm a market value, and the resulting market value determination becomes a recommended amount to be awarded to the owner of the killed or damaged livestock.

In order to qualify for a claim, the owner of the killed or injured livestock must notify the WDFW within 72 hours of discovering the attack on his or her animal. The owner of the livestock is not required to open his or her land for public hunting in order to be eligible for compensation.

The funding limitations, exclusive remedy provisions, and other administrative functions of the crop damage compensation program also apply to claims for livestock loss. However, the WDFW may only make payments to livestock owners if the WDFW's budget for the applicable biennium contains a specific appropriation for payments from the general fund or the state wildlife account. The appropriation must be greater than the amount provided for the payment of crop damage claims, and total biennial payments to livestock owners cannot exceed the amount appropriated above the amount provided for the payment of crop damage claims.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.